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*Attorneys for Defendant Safeco
Ins. Co. of Illinois*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

VICTORIA J. LAHTI,)	
)	Cause No. CV-18-_____
Plaintiff,)	
)	
-vs.-)	
)	
LIBERTY MUTUAL GROUP INC.)	SAFECO INSURANCE
d/b/a SAFECO INSURANCE and)	COMPANY OF ILLINOIS'
SAFECO INSURANCE OF)	NOTICE OF REMOVAL
ILLINOIS,)	
)	
Defendant.)	

Defendant Safeco Insurance Company of Illinois alleges as follows:

1. The above-entitled action was filed in the Montana Eleventh Judicial District, Flathead County, on November 17, 2017, and is now pending in said

Montana District Court. This action arises from Plaintiff's claim for underinsured motorist benefits and involves causes of action under the Declaratory Judgments Act and Montana's Unfair Trade Practices Act.

2. The Summons and Complaint filed in this matter were served upon the Commissioner of Insurance for the State of Montana on or about May 7, 2018 for service on Safeco Insurance Company of Illinois. The Commissioner of Insurance for the State of Montana served Defendant Safeco Insurance Company of Illinois on May 8, 2018.

3. Upon information and belief, and per the allegations contained in the Complaint, at the time of commencement of this action, the Plaintiff was and is now a resident and citizen of Flathead County, Montana.

4. At the time of commencement of this action, the Defendant, Safeco Insurance Company of Illinois was, and is now, a corporation organized and existing under the laws of the State of Illinois, with its principal place of business in Boston, Suffolk County, Massachusetts.

5. At the time of commencement of this action, Defendant Liberty Mutual Group, Inc. was, and is now, a corporation organized and existing under the laws of the State of Massachusetts, with its principal place of business in Boston, Suffolk County, Massachusetts. Defendant Liberty Mutual Group, Inc. is

not an insurance company and did not issue any insurance policies to Plaintiff; any claims against Liberty Mutual Group, Inc. therefore fail. *Steinke v. Safeco Ins. Co. of Am.*, 270 F. Supp. 2d 1196, 1198-99 (D. Mont. 2003) and *Churchill v. Trinity Universal Ins. Co.*, 2010 U.S. Dist. LEXIS 147782 (D. Mont. Mar. 2, 2010). Moreover, Defendant Liberty Mutual Group, Inc. need not consent to removal because it has not been served with process and, in fact, no summons has been issued for it. 28 U.S.C. § 1446(b)(2).

6. This is an action over which this Court has original jurisdiction under 28 U.S.C. § 1332(a)(1), and thus this action is removable to this Court under 28 U.S.C. § 1441(a) and (b).

7. The amount in controversy claimed by Plaintiff in this action, exclusive of interest and costs, exceeds Seventy-Five Thousand Dollars (\$75,000.00). On October 20, 2016, Plaintiff sent Safeco a letter claiming that her total damages at that time were \$535,047.93, but demanding to settle for the \$100,000 limits of the underinsured motorist coverage under her insurance policy with Defendant Safeco Insurance Company of Illinois. Plaintiff has repeated that \$100,000 demand on numerous occasions, most recently on March 2, 2018. In addition to seeking the \$100,000 in underinsured motorist coverage under the

subject insurance policy, the Complaint seeks damages under Montana's Unfair Trade Practices Act, punitive damages, and attorney fees.

8. A copy of the Complaint filed in said Montana District Court action is attached hereto and marked as **Exhibit A**. Copies of all other pleadings which have been filed in the state court file will be forwarded by the Clerk of the said court.

DATED this 1st day of June, 2018.

/s/ Ryan Heuwinkel

Ryan Heuwinkel

BOHYER, ERICKSON, BEAUDETTE &
TRANEL, P.C.

*Attorneys for Defendant Safeco Ins. Co.
of Illinois*

CERTIFICATE OF SERVICE

I, the undersigned, a representative of the law firm of Bohyer, Erickson, Beaudette & Tranel, P.C., hereby certify that I served a true and complete copy of the foregoing on the following persons by the following means:

<u>1, 2</u>	CM/ECF
<u> </u>	Hand Delivery
<u>3</u>	Mail
<u> </u>	Overnight Delivery Service
<u> </u>	Fax
<u> </u>	E-Mail

1. Clerk, U.S. District Court
2. Michael A. Bliven, Esq.
Kraig W. Moore, Esq.
Bliven Law Firm, P.C.
278 Fourth Ave. E.N.
Kalispell, MT 59901
Attorneys for Plaintiff
3. Clerk of the District Court
Flathead County Justice Center
920 South Main, Suite 300
Kalispell, MT 59901

DATED this 1st day of June, 2018.

/s/ Ryan Heuwinkel
Ryan Heuwinkel
BOHYER, ERICKSON, BEAUDETTE &
TRANEL, P.C.
Attorneys for Defendant